



VELFERÐARRÁÐUNEYTIÐ

Ministry of Welfare

Act on the Protection of the Rights of Disabled Persons, No. 88/2011, with subsequent amendments under the Acts No. 126/2011, No. 59/2012, No. 84/2015, No. 115/2015, No. 117/2016 and No. 90/2018.

Where mention is made in this Act of ‘the minister’ or ‘the ministry’ without further definition, the reference intended is to the Minister of Social Affairs and Equality or to the Ministry of Welfare, which is responsible for the implementation of this Act. Information on the division of responsibilities between ministries according to a presidential decree may be found [here](#).

Chapter I General provisions.

Article 1

Scope and aim.

[This Act shall apply to the protection of the rights of disabled persons.]¹⁾

The provisions of Chapter IV shall also apply to the protection of the rights of individuals who, as a result of chronic illness or accidents, need support in preparing to take an informed decision on their personal affairs, or assistance in securing their rights, whether this is vis-à-vis public service providers, other government agencies or private entities.

[The aim of this Act is to ensure disabled persons appropriate support in the defence of their rights and to ensure that disabled persons’ right of self-determination is respected and that in cases where it becomes a matter of urgent necessity to intervene in their affairs, this will be done in full compliance with their security under law.]¹⁾

In the application of this Act, the United Nations’ Convention on the Rights of Persons with Disabilities shall be taken into account.

¹⁾ Act No. 59/2012, Article 1.

Article 2

Supervision.

[The minister]¹⁾ shall be in charge of the protection of the rights of disabled persons under this Act.

¹⁾ Act No. 126/2011, Article 549.

Chapter II

[The ministry’s rights monitoring unit.]¹⁾

¹⁾ Act No. 126/2011, Article 549.

Article 3

[The ministry shall supervise disabled persons’ rights and shall set up a special rights monitoring unit within itself.]¹⁾

The role of the rights monitoring unit shall be:

- a. to monitor the work of rights protection officers for disabled persons and give them advice and guidance as needed,
- b. to gather data on matters relating to disabled persons’ rights and developments in ideology and services to the disabled and to put forward recommendations on improvements,
- c. to be responsible for educational and publicity work, in collaboration with [disabled persons’ interest groups]²⁾, regarding disabled persons’ rights, e.g. for disabled individuals, their rights

protection officers, their spokesmen and relatives or persons responsible for them and for workers and service-providers,

- d. to monitor new developments in ideology and services to the disabled which could result in improved services and an enhanced quality of life for the disabled,
- e. to undertake the publication of easy-to-read materials and booklets on disabled persons' rights,
- f. to be responsible for educational and publicity work in collaboration with, and in consultation with, [disabled persons' interest groups]²⁾ in order raise public awareness of disabled persons' rights, work against stereotyped ideas and prejudices and increase awareness of disabled persons' capacities and the contribution they can make.

¹⁾ Act No. 126/2011, Article 549. ²⁾ Act No. 115/2015, Article 16.

Chapter III **Rights protection officers for disabled persons.**

Article 4

Regional rights protection officers for disabled persons, whom the minister shall engage after receiving the comments of the national disabled persons' organisations, shall operate throughout Iceland. A condition for engagement as a rights protection officer shall be the possession of knowledge and experience of disabled persons' affairs and rights. Efforts shall be made to engage rights protection officers who have educational qualifications which will be of use to them in their work.

Rights protection officers may not, concurrently with their work as such, work for a service provider in the service region in question in positions that are incompatible with their work as rights protection officers.

The minister shall issue a regulation¹⁾ on rights protection officers for disabled persons, including provisions on their number.

¹⁾ Regulation No. 973/2012, cf. No. 63/2014.

Article 5

Rights protection officers shall monitor the circumstances of disabled persons in their regions and be available to assist them in securing their rights of any type, whether these concern the handling of their personal finances, the services to which they are entitled or other personal rights or personal affairs.

Where a disabled individual lives in a home for the disabled, the director of the home shall provide the rights protection officer with the information he/she needs for his work. In the case of information about personal matters or disabled persons' personal finances, the disabled individual's permission, and that of the individual's personal spokesman, shall be sought where such a personal spokesman exists, cf. Chapter IV.

Article 6

All persons shall be obliged to notify a rights protection officer if they have reason to believe that a disabled individual's rights are being violated. Disabled individuals' relatives or persons responsible for them, personal spokesmen, service providers, disabled persons' organisations and others who, through their position, connections or work, become aware that the disabled individuals' rights are not being respected, shall report this to a rights protection officer. A disabled individual who considers that his rights are not being respected may report this to the rights protection officer in the region in question. The rights protection officer shall give the disabled individual the support necessary in order to investigate the matter in consultation with him/her. The rights protection officer may also, at any time, take a matter up at his/her own initiative. If a rights protection officer comes to the conclusion that a disabled individual's rights have not been respected, he/she shall help the disabled individual to pursue his/her rights, taking into account the circumstances in each particular case and the disabled individual's wishes.

If the rights protection officer considers a case to be of such a nature, and after obtaining the approval of the disabled individual, the rights protection officer may deliver to the party concerned instructions on how to remedy the situation, giving him a deadline by which these are to be complied with. If the remedial instructions given by the rights protection officer are not acted upon, and he/she considers that the matter may be made the subject of a complaint to the Social Services and Housing Affairs

Complaints Committee, he/she shall help the disabled person to submit a complaint and help him/her with the conduct of the case if requested to do so.

The rights protection officer shall assess, in each case separately, in collaboration with the disabled individual, whether the matter should be reported to the ministry.

Chapter IV **Disabled persons' personal spokesmen.**

Article 7

Disabled individuals who ...¹⁾, due to their disabilities, have difficulty defending their interests, shall be entitled to personal spokesmen. Disabled individuals shall choose their own spokesmen, and may ask to consult a rights protection officer in the region in question regarding their choice. The rights protection officer [and as appropriate legal guardian]¹⁾ shall confirm the individual's choice of spokesman. If the disabled individual is unable, in the opinion of the rights protection officer, to express his/her wishes on this matter, the individual's next of kin or persons responsible for him/her shall be consulted. The disabled individual and his/her personal spokesman shall sign an agreement covering the assistance, which shall be kept by the rights protection officer. If the disabled individual is not able to sign the agreement, exemption may be granted from the signature requirement; in such cases, the agreement shall be made in the presence of the rights protection officer and in accordance with rules subject to further provisions to be laid down in a regulation.

The personal spokesman shall have a knowledge of the personal requirements and fields of interest of the individual whom he assists. The personal spokesman shall receive information and guidance on the content and priorities in his/her work. The ministry may enter into an agreement with a disabled person's interest group under which the interest group will act as an intermediary in finding personal spokesmen and see to giving them information and guidance. The work of a personal spokesman is unpaid; nevertheless, a personal spokesman shall be reimbursed for costs demonstrably incurred in the course of his work in the service of the disabled individual.

All measures taken by a personal spokesman shall be taken in consultation with, and with the approval of, the disabled individual and with his/her interests as the sole guiding principle.

¹⁾ Act No. 84/2015, Article 26.

Article 8

Rights protection officers shall maintain a register of personal spokesmen in their respective regions and monitor their work.

A disabled individual may at any time revoke the appointment of his/her personal spokesman, and the rights protection officer shall help him/her to do this if he/she so requests. The rights protection officer may, with the approval of the disabled individual, revoke the appointment of the personal spokesman, in consultation with the ministry's rights monitoring unit, if he/she considers that the person in question is failing in his duties towards the disabled individual. Furthermore, a personal spokesman may at any time resign from his appointment.

Article 9

Under the agreement provided for in paragraph 1 of Article 7, the personal spokesman shall assist the disabled individual, and in particular with the following matters:

1. Defending his rights. The personal spokesman shall assist the disabled individual with preparing an informed decision on matters that concern him/her. The personal spokesman is to assist the disabled individual in situations including when decisions are taken regarding the services which the disabled individual receives or is entitled to. If there is a personal spokesman, then the service provider shall be obliged to summon him/her when substantial changes to the service are about to be made.
2. The disabled individual's personal affairs. The personal spokesman shall be available to help the disabled individual with his personal affairs and support him in preparing to take an informed decision, e.g. regarding treatment by health-care workers, choice of residence, employment, leisure activities, etc. The personal spokesman shall make a comprehensive examination of whether the disabled individual has a good standard of living and make

recommendations to the parties concerned, in consultation with the disabled individual, on improvements that could be made.

3. Access to information on financial matters. If the disabled individual pays fees to a joint fund, e.g. a residents' association fund, or towards meeting the costs of housekeeping which he/she shares with others, the personal spokesman shall, under the agreement provided for in paragraph 1 of Article 7, and with the disabled individual's approval, have the right of access to all information regarding what is done with the money from such funds. For this purpose, the spokesman shall be entitled to attend residents' committee meetings and other such meetings.
4. Help with the disposal of funds to meet day-to-day expenses. The personal spokesman may, under the agreement provided for in paragraph 1 of Article 7, see to the payment of day-to-day expenses for the disabled individual, providing the payments are made with cash drawn from an account specially designated as being for expenses of this type. The personal spokesman may not, on the other hand, enter into financial obligations on behalf of the person he/she assists unless that individual has granted him/her a written authorisation to do so. If a custodian has been appointed for the disabled individual under the Legal Competence Act, then any authorisation issued to the personal spokesman shall not apply to the possessions and finances that are under the supervision of the custodian.

The minister shall issue a regulation¹⁾ on disabled persons' personal spokesmen containing further provisions on their work, including as regards education and instructions for them, the form of the agreement under paragraph 1 of Article 7 and the reimbursement of expenses under paragraph 2 of Article 7.

¹⁾ Regulation No. 972/2012.

[Chapter V

Measures to reduce compulsion in services to disabled persons.]¹⁾

¹⁾ Act No. 59/2012, Article 2.

[Article 10

Prohibition on telemonitoring and the use of compulsion.

All use of compulsion in dealing with disabled persons shall be prohibited unless exemptions have been granted under Article 12 or in emergency situations covered by Article 13. Telemonitoring of disabled persons' homes shall be prohibited unless exemptions have been granted under Article 12.

The provisions of this Chapter shall apply to all those who provide services to disabled persons in their homes and in their daily life.

Service providers shall be obliged to inform those who work with disabled persons of what constitutes compulsion and the measures that may be taken to avoid having to apply compulsion.]¹⁾

¹⁾ Act No. 59/2012, Article 2; cf. also the Interim provision in the same act.

[Article 11

Definitions.

For the purposes of this Act, 'compulsion' constitutes an action which reduces an individual's right of self-determination and takes place against his/her will, or so restricts his/her right of self-determination that it must be regarded as compulsion even though he/she does not raise any objection to it.

The following are examples of compulsion:

- a. The use of physical force, e.g. in order to prevent a disabled person from injuring himself/herself or other people or causing serious damage to his possessions or those of other persons.
- b. The locking of premises assigned to a disabled individual.
- c. The locking up of a disabled individual or the restriction of his/her freedom of movement by some other means.
- d. The transfer of a disabled individual between places against his/her will.
- e. Restriction of a disabled individual's access to his/her possessions, or their removal against his/her will.
- f. When an individual is forced to do something, for example to take medicinal drugs or to use aids.
- g. The application of force or compulsion in the activities of everyday life.